

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**J. S. (a minor child, by and through his
father and next best friend, John
Seawright),**

v.

Civil Case No. 2:05-cv-928-T

**Officer Curt Campbell,
in his individual capacity,
Defendant.**

MORE DEFINITE STATEMENT

COMES NOW Plaintiff, by and through his attorney of record, and would more definitely state his federal claim as follows:

1. Plaintiff's sole federal claim against the defendant arises under the Fourth Amendment to the United States Constitution, prohibiting unreasonable seizures and the use of excessive force in effecting an arrest.
2. Any claims made in the Complaint arising under the Fourteenth Amendment are hereby expressly abandoned.
3. Plaintiff claims, more specifically, that the defendant, on or about June 15, 2005, without probable cause or justification of any sort, defendant Campbell, officer, agent, or employee of Fort Deposit Police Department, did grab and purposefully choke Plaintiff around the neck such that Plaintiff was caused to pass out. At the time the defendant attacked Plaintiff, Plaintiff was not under arrest and was not committing any violation of law, nor was Plaintiff engaging in any conduct that could have been construed as, or mistaken for, a violation of the law. Plaintiff was caused to have severe injuries requiring the attention of a physician. These injuries resulted in permanent harm to Plaintiff.

4. As Plaintiff had a right to be free from an unreasonable seizure of Plaintiff's person and the use of excessive force against Plaintiff, which right was clearly established, and of which right every reasonable law enforcement officer would have known, at the time of the events made the subject of the Complaint, the defendant violated Plaintiff's clearly established constitutional right under the Fourth Amendment to be free from unreasonable seizure and excessive force.

RESPECTFULLY SUBMITTED on this the 19th day of November, 2005.

/s/ JAY LEWIS
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ASB-2014-E66J
One of the Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the below named parties or attorneys on this 19th day of November, 2005.

Alex L. Holtsford, Jr.
Rick A. Howard

/s/ JAY LEWIS
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